

Staff Summary Report



Council Meeting Date:

5/20/2010

Agenda Item Number: _____

SUBJECT: Request approval to renew public defender contracts for a one year period to provide services for indigent defendants in the Tempe Municipal Court.

DOCUMENT NAME: COURT ADMINISTRATION (0501-02)

COMMENTS: The total cost of these contracts with overages shall not exceed \$220,000

PREPARED BY: Louraine C. Arkfeld, Presiding Judge, 350-8614

REVIEWED BY: Mark Stodola, Court Manager, 350-8457

LEGAL REVIEW BY: Kara Stanek, Asst. City Attorney, 350-8458

DEPARTMENT REVIEW BY: Mark Stodola, Court Manger, 350-8457

FISCAL NOTE: The tentative FY 2010-11 budget includes \$240,000 for Public Defender contracts"

RECOMMENDATION: It is the Court's recommendation that the Council approve the attached one-year Public Defender contracts.

ADDITIONAL INFO: There are two full contracts (one for each of two full-time Criminal Divisions) and a half contract (for the Presiding Judge's half-time Criminal Division). The full contract specifies 400 cases for an annual amount of \$50,000.00 and the half-contract specifies 200 cases for \$25,000.00. This contract amount was raised in FY06/07 for the first time since FY99/00. The rate of \$125.00 per case is one of the lowest per case rates in the Valley. The contracts allow for any overage to be paid at the same low per case rate. Since appointments are based on the applicants' indigency status, it is difficult to determine in advance the exact number of cases which will require a public defender appointment. The contract caseload again reached its maximum this year. However, we are already budgeted for any overage that would need to be paid. Due to recognition of budget constraints, no further increases are requested.

Our current contract Public Defenders (two full contracts, one half contract) are being recommended for renewal. All were originally selected at various times following an extensive application and review process by selection committees composed of both lawyer and citizen representation and have fulfilled expectations. They have covered their courtrooms and dockets very professionally. Evaluations by the judges who work with these defenders are that they have done an excellent job of representing their clients and working to keep the Court operating effectively and efficiently. Each attorney has promptly filed monthly reports as to the cases assigned, the work done on each case, and the status of the case. Few complaints have been received from their clients. All wish to continue with their contracts thereby assuring stable and consistent representation.